

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 23-1870-PET

Petition of City of Burlington Electric Department to transfer Thermal Energy & Process Fuel funds for use in its District Energy System support program	
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DEPARTMENT OF PUBLIC SERVICE RESPONSE TO
MOTION TO INTERVENE

On June 2, 2023, the City of Burlington Electric Department (“BED”) filed a petition with the Vermont Public Utility Commission (“Commission”) pursuant to Section III.3 of BED’s Order of Appointment requesting approval of an intra-program transfer of \$500,000 from funds budgeted for BED’s traditional thermal-energy-and-process-fuels programs to its District Energy System (“DES”) support program.

On June 19, 2023, a motion to intervene was filed by Pike Porter. In the form submitted, Mr. Porter does not claim a legal right to intervene by statute or Commission Rule. Instead, Mr. Porter alleges that he should be granted permissive intervention under Commission Rule 2.209 on the basis that he is a ratepayer and member-owner of the Intervale Community Farm and claims a broad interest as “most Burlington and Vermont residents to see accurately and transparent carbon emissions accounting as requested in 10 V.S.A. § 582.” He further alleges that “[t]he Burlington District Energy Proposal will increase CO2 emissions by 20,000 tons annually when McNeill stack emission are counted” and argues that “[t]his faulty accounting system needs to be addressed.” He states that no other party to this proceeding represents his interests and that his participation in the proceeding will not delay the proceeding or prejudice the interest of the other parties.

The Commission has requested that the Department of Public Service (“Department”) respond to Mr. Porter’s request for intervention. While the Department appreciates Mr. Porter’s concern regarding transparent accounting of greenhouse gas emissions under 10 V.S.A. § 582, the Department does not believe the interests stated by Mr. Porter are relevant to the Commission’s review of BED’s request to transfer funds pursuant to Section III.3 of BED’s Order of Appointment¹ and therefore does not believe that permissive intervention under Section 2.209 is appropriate in this matter. The statutory interest Mr. Porter states under 10 V.S.A. § 582 is not at issue in this matter and the Department believes that Mr. Porter’s interests on this basis are more appropriately directed to the Agency of Natural Resources, which coordinates the Vermont Greenhouse Gas Emissions Inventory and is not a party to this proceeding.² Despite Mr. Porter’s statement that his participation in the case will not unduly delay the proceeding or prejudice the existing parties, the Department believes his participation will result in a delay because the issues Mr. Porter seeks to raise have no bearing upon the Commission’s determination of BED’s request to transfer funds under BED’s Order of Appointment and BED’s approved 2021-2023 Demand Resource Plan.³

1 Case No. 18-2867-INV, Order of Appointment for City of Burlington Electric Department Pursuant to 30 V.S.A. § 209(d)(2), November 26, 2019.

2 In the alternative, even if Mr. Porter’s claimed interest was relevant to this proceeding, the Department believes that Mr. Porter’s interest is not distinct from the broad interests of ratepayers, which are already represented in this case by the Department. While Mr. Porter may not agree with the advocacy that the Department is, in its informed discretion, undertaking on behalf of ratepayers, his concerns do not constitute a unique interest that is not sufficiently represented by the Department’s participation.

3 Case No. 19-3272-PET, Order Regarding Burlington Electric Department’s Demand Resource Plan, August 26, 2021.

Dated at Montpelier, Vermont this 3rd day of July 2023.

VERMONT DEPARTMENT OF PUBLIC SERVICE

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